



## United States Department of State

Chief of Staff

Washington, D.C. 20520

June 11, 2004

Mr. and Mrs. Craig Corrie  
P.O. Box 12149  
Olympia, WA 98508

Dear Mr. and Mrs. Corrie,

I have reviewed the material in the Department's possession with regard to the tragic death of your daughter Rachel. This review included the letter from Senators Grassley and Harkin to Assistant Secretary Paul Kelly and his letter back to them, as well as your letter to Secretary Kelly of 26 April of this year (dated 29 April in the package you faxed to me).

In your letter of 26 (29) April, you inform us that you have two areas of concern with regard to Secretary Kelly's response to the Senators, the first concern stemming from apparent misunderstanding, the second concern stemming from apparent omissions. Let me address both of these concerns first.

I hope that any misunderstanding with regard to the FBI's conducting an investigation may have been cleared up by my preliminary response to you of 25 May; but let me try a further clarification. While the Department, through our diplomatic posts abroad, can and certainly does pursue inquiries into the deaths of American citizens in foreign countries through diplomatic and consular channels, we cannot compel a foreign government or any of its personnel to release to us information beyond that which it is prepared to release. With respect to FBI investigations requiring steps abroad, the consent or request, and the cooperation, of the government of the country concerned is essential. In addition, the Criminal Division of the Department of Justice has informed us that under the facts as currently known, the Justice Department is unable to find a U.S. criminal statute with which to proceed with a U.S. investigation or prosecution. Unlike the tragic case of your daughter, these elements were present in connection with the investigation into the deaths of the U.S. Government contract employees near the Erez Checkpoint. In any case, it is not likely that the Israeli Government would agree to an FBI investigation into Rachel's death, as I inferred in my most recent response to you.

The apparent misunderstanding with regard to the State Department's determination of its assessment of the Israeli investigations may be partly attributed, I believe, to the merging of two separate investigations. The first was the IDF's own investigation. The results of that investigation were clearly unsatisfactory and we said so, as did you. We agreed to await the results of the second investigation. The second investigation, conducted by the Military Advocate General's Office, was more thorough. As Secretary Kelly pointed out

in his letter to the two Senators, the report of that investigation recommended several remedial measures that the IDF implement to ensure the likelihood of similar tragedies occurring in the future was reduced, but it did not find negligence on the part of the IDF or the bulldozer crew. Your ultimate question, however, is a valid one, i.e., whether or not we view that report to have reflected an investigation that was "thorough, credible and transparent". I can answer your question without equivocation. No, we do not consider it so. It was, as I said, more thorough than the IDF investigation, but not thorough to the extent we would want in such a case. And the fact that we do not have a full copy of the report hinders somewhat a fuller evaluation, as you noted. As recently as 14 May our Ambassador in Tel Aviv wrote to the Israeli Defense Minister requesting an update on the report's recommendations to help prevent another tragedy such as that which took Rachel's life. So, we are pursuing what diplomatic actions are left to us and might be effective.

I must tell you also that contrary to what you might believe, such reports as that of the investigation by the Israeli Military Attorney General are not – I repeat, not – normally made available to the public. The U.S. military itself does not release recommendatory or similar non-factual portions of its investigations into civilian deaths caused by actions of U.S. military personnel. There are reasons for such a policy and these reasons include legal as well as privacy concerns.

In my personal view, as I mentioned to you last year, there seems to be only one course of action that makes sense if you want to pursue these matters further on your own: use the Israeli court system. Which brings me to your final point, i.e., that the State Department did not provide you with a list of lawyers whom you might consider for such a purpose. I believe by now you have had opportunity to check with your son, Chris, and you know that in fact we did provide him with such a list on April 16, 2004.

I hope this helps clarify our position and your potential future actions. If I can do anything more for you, in a personal or a professional capacity, please do not hesitate to let me know. As I mentioned in our most recent meeting, I have a daughter not unlike Rachel as you described her to me. I grieve for you and with you. I have some feeling for how devastating your loss was – and still is and will always be. So please do let me know if I can offer any assistance.

Sincerely,



Lawrence B. Wilkerson